

Times New Roman FAX TRANSMISSION

OCT 2 4 26 PM '98

PAGE 1 OF 6

RE: AFFIDAVIT RESPONSE TO COMPLAINT MUR 4808

OCTOBER 2, 1998

TO: OFFICE OF GENERAL COUNSEL
FEDERAL ELECTION COMMISSION
(202) 219 -3923

FROM: MILES S. RAPOPORT
30 MONTCLAIR DR
WEST HARTFORD, CT
(860) 232-8469

OCT 2 4 36 PM '98

October 2, 1998

Miles S. Rapoport
30 Montclair Drive
West Hartford, CT 06107

Office of the General Counsel
Federal Election Commission
999 E Street, NW
Washington, DC 20463

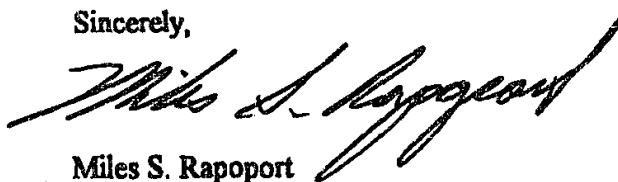
Re: MUR 4808

Dear General Counsel:

Enclosed please find my Affidavit in response to complaint MUR 4808 filed against me and my campaign, Rapoport for the First. As stated in my Affidavit, to my best information and belief none of the allegations stated in the complaint are true. I believe that the complaint was filed based upon unsubstantiated claims without any supporting evidence. I also believe that the complaint was filed in the heat of a very close primary campaign. Evidence of that is the fact that Counsel for the Larson for Congress campaign wrote a letter to the Office of the General Counsel dated September 29, 1998, attempting to withdraw the complaint.

It is my hope that this complaint will be expeditiously dealt with and dismissed.

Sincerely,



Miles S. Rapoport

encl.

FEC Complaint MUR 4808

1. I am Miles S. Rapoport, and I was a candidate for the Democratic nomination for Congress from the First Congressional District in Connecticut.

3. On information and belief I make the following statements.

5. Said letter indicated that a complaint was filed with the Federal Election Commission by John B. Larson, a candidate for Congress from the First Congressional District in Connecticut, alleging certain violations of federal election laws by me and my campaign for Congress.

7. I deny all the allegations in said letter and accompanying Affidavit directed at me, personally, and to my best information and belief at my campaign, Rapoport for the First.

9. The AFL-CIO endorsed my candidacy for Congress, and in so doing urged their members to support me, and to my best information and belief all of their actions were consistent with all aspects of the federal election laws, and specifically 11 CFR Sec. 114.3.

10. I deny that the information contained in Exhibit "A", "was not only published with knowledge or reckless disregard for the honesty of the statement but it, along with other pieces of literature published by Mr. Rapoport has been published illegally". (Please see attached record of such Mr. Rapoport's published newspaper and magazine. Respondent's Exhibit "A"). To my

Mr. Larson offers no rebuttal to the fact that each of the votes cited is supported by his public record as a State Senator in Connecticut.

11. I further deny, to my best information and belief, that Exhibit "B" is anything other than what it appears to be, a communication from the AFL-CIO to its members, again consistent with the provisions of 11 CFR Sec. 114.3.

12. I also, to my best information and belief, deny Mr. Larson's totally unsupported allegations contained in paragraph 7 of his Affidavit.

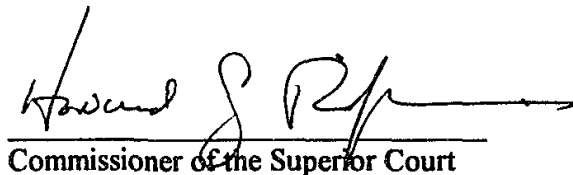
13. During my campaign for Congress I was fortunate enough to receive a number of endorsements from organizations, including the AFL-CIO, many of whom communicated with their members about my candidacy. To my best information and belief, they did so consistent with all federal law.

14. As Secretary of the State, and the Chief Election Officer in Connecticut, I am very mindful of the need to pay heed to the details of the election laws. My campaign was very diligent in its adherence to the provisions of the law, and I take offense at the unsubstantiated accusations and characterizations of me and my campaign by Mr. Larson. I can only attribute such allegations to the heat of a close primary battle, not to any factual basis for making such statements.

15. I ask the Commission to dismiss this complaint on its face.


Miles S. Rapoport

Subscribed and sworn to before me this 2nd day of October 1998.


Commissioner of the Superior Court

-77-

Respondent's Exhibit "A"

BILL TITLE: SB 101, "AN ACT CONCERNING PHARMACEUTICAL ASSISTANCE CONTRACT TO THE ELDERLY", (CONNPACE).

BACKGROUND:**1985 Legislation:**

The 1985 General Assembly passed Public Act 85-573 which established the CONNPAGE program for the elderly.

Eligibility:

Age 65 or older with a total annual income of less than \$9,000 if single and \$12,000 for married couples.

Payment:

50% by the state to pharmacies and 50% by the individual. There is also a \$15 annual fee.

While the legislation created a pilot program, it also established a Task Force to examine the pilot program and recommend changes. If the Task Force made no changes to the pilot program, it begins on April 1, 1986.

Task Force Recommendations:

Three of the more important proposals were:

1. To change the 50/50 co-pay provision in the pilot program to a \$6 flat fee for brand-name prescription drugs and \$5 for generic drugs;
2. To maintain the eligibility income levels at \$9,000 and \$12,000. However, elderly persons with higher incomes could qualify by "spending down" or subtracting their prescription drug expenses from their income when determining eligibility; and
3. To provide generic drug incentives to the elderly and to pharmacies.

1986 Legislative Action:

The original CONNPAGE bill, passed by the Public Health Committee, incorporated most of the changes recommended by the Task Force. However, the Appropriations Committee eliminated the monies necessary to fund the \$6 and \$5 flat fee provision. Subsequently, when the budget bill was considered by the Senate, an amendment to add back the additional CONNPAGE funds was rejected. As a result, the CONNPAGE bill that finally reached the Senate floor included \$6/\$5 flat fee language, yet no funds were budgeted to implement it.

Final Action: Bill passed with Senate A and C, 32-0; bill died awaiting House action

Date: May 5, 1986

Senate Journal Pages: 1221-1224

Senate Transcript Pages: 4/28/86 119-121; 5/5/86 177-211, 289-299

Public Act: 85-573 is in effect

*For further information, see your 1985 Issues Book, page 86 and page 5 of the Summary of 1985 Public Acts.

-78-

BILL TITLE: SB 101 continued, Senate C

PURPOSE: The law is designed to provide financial support to those elderly Connecticut citizens having difficulty paying their prescription drug costs. The bill incorporates a number of Task Force recommendations such as the \$6 and \$5 flat fees, the "spend down" provision, and the generic incentive. Senate C would raise the flat fee from \$6 to \$7 for brand names and from \$5 to \$6 for generic drugs. Senate C failed 13-21.

ANALYSIS:

PRO: (Senator Gunther) The amendment is a good compromise between the original pilot program (50/50 co-pay) and the Task Force recommendation (\$6/\$5 flat fee). The amendment also brings the program closer to its budgetary allocation.

CON: The amendment would raise the flat fees above those recommended by the Task Force and would increase the prescription drug costs of the elderly.

FISCAL IMPACT:

Total estimated cost of program, FY 86-7:	\$12,667,883
Total funds in FY 86-7 budget:	9,799,700
Fiscal impact of SB 101:	2,868,183
Cost of Senate C (above budget total):	1,804,220

SB 101	BILL NUMBER	C	AMEND SCHEDULE	24	TOTAL VOTING
13	YES TOTAL	21	NOY TOTAL	2	ABSENT TOTAL

	DISTRICT		DISTRICT
Y	1 William A. O'Brien	N	24 Eric R. Burrows
Y	2 Frank D. Barrows	N	25 Peter F. Coughlin
Y	3 John B. Langan	Y	26 George L. Gendron
Y	4 Carl A. Jansen	Y	27 Lou Scarpato
N	5 Anna P. Gannon	Y	28 Margaret E. Morton
Y	6 Joseph M. Harper, Jr.	N	29 Robert T. Miller
Y	7 Cornelius O'Leary	A	30
N	8 Raymond J. Latta	N	31 John B. Matthews
N	9 Richard B. Johnston	N	32 Anthony B. Truglio
Y	10 John C. O'Neill	A	33 Fred W. Lawrence, Jr.
Y	11 Anthony V. DiStefano	Y	34 Kevin P. Johnston
N	12 Richard G. Lalen	N	35 M. Adela Esco
N	13 Amelia P. Myerans	Y	36 Steven C. Casey
N	14 Thomas Scott	N	37 James M. McLaughlin
N	15 Thomas P. Upson	N	38 Kenneth T. Hurdston
N	16 Joseph C. Markey	N	39 Paul G. Robertson
N	17 John F. Corvelli	N	40 James B. Giamatti
N	18 Donald E. Schoonhoven	N	41 Michael L. Mangan

Senate Amendment "C" Rejected

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4808

NAME OF COUNSEL: Dan Livingston

FIRM: Livingston, Adler, Pulda & Meiklejohn, L.L.C.

ADDRESS: 557 Prospect Avenue

Hartford, CT 06105

TELEPHONE: (860) 233-9821

FAX: (860) 232-7818

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

10/2/98
Date

Miles S. Rapoport
Signature

RESPONDENT'S NAME: Miles Rapoport

ADDRESS: 30 Montclair Dr.

West Hartford, CT 06107

TELEPHONE: HOME(____)

BUSINESS(____)